

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
Mar 19, 2025
S.B. 338
PRINCIPAL CLERK

S

D

SENATE BILL DRS45183-MQa-85

Short Title: NC Farmland and Military Protection Act. (Public)

Sponsors: Senators Everitt, Applewhite, and Smith (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE ACQUISITION OF AGRICULTURAL AND OTHER LANDS
3 CRITICAL TO THE SAFETY AND SECURITY OF THE STATE BY CERTAIN
4 FOREIGN GOVERNMENTS DESIGNATED AS ADVERSARIAL BY THE UNITED
5 STATES DEPARTMENT OF COMMERCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 64 of the General Statutes is amended by adding a new Article
8 to read:

9 "Article 4.

10 "Prohibit Adversarial Foreign Government Acquisition of Certain Lands.

11 "**§ 64-60. Title.**

12 This act shall be known and be cited as the North Carolina Farmland and Military Protection
13 Act.

14 "**§ 64-61. Purpose.**

15 The General Assembly finds that it is in the public interest for the State to guard its
16 agricultural land from the potential of adversarial foreign government control in order to ensure
17 that the State's farmers are able to produce a safe, abundant, and affordable supply of food and
18 fiber for the benefit of the people of this State and the United States and to protect our vital
19 resources.

20 "**§ 64-62. Definitions.**

21 As used in this Article, the following definitions apply:

- 22 (1) Adversarial foreign government. – A state-controlled enterprise or the
23 government of a foreign nation that has received a designation under 15 C.F.R.
24 § 7.4, as was in effect as of July 17, 2024, from a determination by the United
25 States Secretary of Commerce that the entity has engaged in a long-term
26 pattern or serious instances of conduct significantly adverse to the national
27 security of the United States or security and safety of United States persons.
28 (2) Agricultural land. – Any land situated in this State that is used for agricultural
29 production purposes as defined in G.S. 106-581.1(1) through (4). The term
30 does not include land situated in this State that is leased for agricultural
31 research and development purposes or other activities for the purpose of
32 producing inputs and/or products for farmers or other end-users, provided that
33 the acreage leased by the lessee does not exceed 250 acres in the aggregate.
34 (3) Controlling interest. – Possession of more than fifty percent (50%) of the
35 ownership interest in an entity. The term also includes possession of fifty
36 percent (50%) or less of the ownership interest in an entity if an owner directs



* D R S 4 5 1 8 3 - M Q A - 8 5 *

1 the business and affairs of the entity without the requirement or consent of any
2 other party.

3 (4) Interest. – Any estate, remainder, or reversion, or any portion of the estate,
4 remainder, or reversion, or an option pursuant to which one party has a right
5 to cause the transfer of legal or equitable title to agricultural land.

6 (5) Military installation. – Fort Bragg, Pope Army Airfield, Marine Corps Base
7 Camp Lejeune, New River Marine Corps Air Station, Cherry Point Marine
8 Corps Air Station, Military Ocean Terminal at Sunny Point, the United States
9 Coast Guard Air Station at Elizabeth City, Naval Support Activity Northwest,
10 Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and Seymour Johnson
11 Air Force Base, in its own right and as the responsible entity for the Dare
12 County Bombing Range, and any facility located within the State that is
13 subject to the installations' oversight and control.

14 (6) State-controlled enterprise. – A business enterprise, however denominated, in
15 which a foreign government has a controlling interest.

16 **"§ 64-63. Adversarial foreign government acquisition of agricultural land prohibited.**

17 (a) Notwithstanding any provision of law to the contrary, no adversarial foreign
18 government shall purchase, acquire, lease, or hold any interest in the following:

19 (1) Agricultural land.

20 (2) Land situated within a 25-mile radius of a military installation.

21 (b) Any transfer of an interest in land in violation of this section shall be void.

22 (c) The responsibility for determining whether an individual or other entity is subject to
23 this Article rests solely with the adversarial foreign government and the State of North Carolina
24 and no other individual or entity. An individual or other entity who is not an adversarial foreign
25 government shall bear no civil or criminal liability for failing to determine or make inquiry of
26 whether an individual or other entity is an adversarial foreign government."

27 **SECTION 2.** If any section or provision of this act is declared unconstitutional or
28 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
29 the part so declared to be unconstitutional or invalid.

30 **SECTION 3.** There is appropriated from the General Fund to the Department of
31 Agriculture and Consumer Services the sum of fifty thousand dollars (\$50,000) in nonrecurring
32 funds for the 2025-2026 fiscal year to be allocated to the North Carolina Agricultural
33 Development and Farmland Preservation Trust for the inventory of farmland in this State.

34 **SECTION 4.** Section 1 of this act becomes effective on January 1, 2026, and applies
35 only to interests in land acquired on and after that date. Section 3 of this act becomes effective
36 July 1, 2025. The remainder of this act is effective when it becomes law.